

REMARKS

Claims 1-38 are pending, and, of these, claims 3-14, 18-26, 29-35, 37, and 38 are currently withdrawn from consideration. Claims 1, 2, 15-17, 27, 28, and 36 have been examined, of which claims 1, 15, and 28 are independent.

Claims 1, 2, 15-17, 27, 28, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,272,438 to Cunningham et al. (Cunningham) in view of U.S. Patent No. 5,524,084 to Wang et al. (Wang). Claims 1, 2, 15-17, 27, 28, and 36 also are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang alone.

Applicant thanks the Examiner for the courtesies extended during the interview of April 6, 2005. As noted during the interview, Applicant has objected to the timing of the issuance of the present Office Action, as the Examiner and the undersigned Attorney had previously and verbally agreed that no Office Action would be issued until after the above-mentioned interview had taken place. To the contrary, the Office Action was issued prior to the agreed-upon interview date, and, therefore, Applicant has been deprived of Applicant's right to amend the claims in conjunction with the RCE filed January 28, 2005. Accordingly, Applicant respectfully requests that any further Office Action that does not include a Notice of Allowance be made non-final.

As agreed during the interview, independent claims 1, 15, and 28 have been amended such that the Examiner agrees to give weight to Applicant's previous arguments, and, in particular, to Applicant's previous arguments that Wang is not directed to flowmeters using vibratable flowtubes, and that Cunningham, although directed to flowmeters using vibratable flowtubes, teaches directly away from Applicant's claimed invention. Accordingly, based on the present amendments and on Applicant's previous arguments, and as agreed during the interview and reflected on the corresponding Interview Summary form, Applicant respectfully submits that neither Cunningham nor Wang, nor any proper combination or modification of Cunningham and/or Wang, discloses or suggests at least the features of independent claims 1, 15, and 28.

As a result, Applicant submits that independent claims 1, 15, and 28 are in condition for allowance for at least the above reasons, so that dependent claims 16, 17, and 36 are allowable

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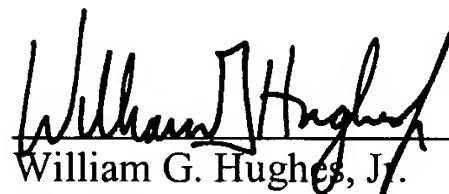
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for at least the same reasons. Moreover, since independent claims 1, 15, and 28 were indicated in the Restriction Requirement of May 4, 2004 to link remaining claims 3-14, 18-27, 29-35, 37, and 38, Applicant submits that all of claims 1-38 are in condition for allowance, and such action is hereby requested in the Examiner's next official communication.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 27, 2005



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